REMARKS

Claims 1-10 and 21-23 have been cancelled, and claims 11, 12, 14 and 19 have been amended by this amendment. Applicant reserves the right to pursue the original claims and other claims in this application and other applications. Claims 11-20 are pending in this application.

Applicant hereby affirms the election of claims 11-20 for continued prosecution. Claims 1-10 and 21-23 have been canceled.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the reference character S24 not mentioned in the description. Paragraph [0030] of the specification has been amended to include the reference character S24.

Claims 11 and 19 have been amended to correct typographical errors.

Claims 12 and 14-17 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 12 and 14 have been amended to address the Examiner's concerns.

Claims 11-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kulik (U.S. 5,842,186) in view of Ramsden et al. (U.S. 5,831,220). Reconsideration is respectfully requested.

The present invention relates to processing a plurality of mail pieces that is able to make appropriate class of service determinations during processing. A first class of service for processing the plurality of mail pieces is received from a user. Next, a weight and one or more dimensions of a selected mail piece is determined and a further determination is made as to whether the first class of service received from the user is appropriate for the selected mail piece using the determined weight and the determined one or more dimensions. If the first class of service is not appropriate, a second class of service for the selected mail piece is determined using the determined weight and the determined one or more dimensions, wherein the second

class of service is appropriate for the selected mail piece. A final class of service is then set for the selected mail piece. The final class of service is set to the first class of service if the first class of service was determined to be appropriate and is set to the second class of service if the first class of service was determined to not be appropriate. A postage amount is then determined for the selected mail piece using the determined weight, the determined one or more dimensions and the final class of service.

Kulik is directed to calculating and applying postage to pieces of mail using custom rate tables defined by the user. In Kulik, a user inputs a custom rates template that will define the class and rating for each mail piece based on the weight of the mail piece. An example of a custom rates template is provided in Table 2 of Kulik, reproduced below.

TABLE 2

WEIGHT	CLASS	MEANING
weight2	class A	process all mail up to weight2 as class A
weight4	class B	process all mail up to weight4 as class B
weight6	class C	process all mail up to weight6 as class C

After input of the template, the custom rate processor 31 interacts with the rates manager 25, as outlined above, to develop a custom rates rate table 31 corresponding to the template. An example of a custom rates rate table, using the example set forth from Table 2, is provided in Table 3 of Kulik, reproduced below.

TABLE 3

WEIGHT	CUSTOM CLASS	MEANING
weight1	rateA1	class A rate for weight1
weight2	rateA2	class A rate for weight2
weight3	rateB3	class B rate for weight3
weight4	rateB4	class B rate for weight4
weight5	rateC5	class C rate for weight5
weight6	rateC6	class C rate for weight6

Thus, in Kulik a user can define one or more custom rates templates and a corresponding number of custom rates rate tables. During operation of the mail processor, the operator can select a rate table to apply for processing of an input mail stream. For this purpose, the processor presents a list of available rate tables on the display. The displayed list includes all of the standard postal rate classes as well as the names of all of the currently available custom rates rate tables. The user simply selects a table by name from the displayed list, either a standard table or a custom rates rate table, and the mail processor processes all pieces of input mail in accord with the rate table corresponding to the selected table name. (Col. 10, lines 6-21).

Note that in Kulik, as illustrated in Table 1, reproduced below, each class supports each and every weight.

TABLE 1

WEIGHT	CLASSA	CLASSB	CLASSC	CLASSD
weight1	rateA1	rateB1	rateC1	rateD1
weight2	rateA2	rateB2	rateC2	rateD2
weight3	rateA3	rateB3	rateC3	rateD3
weight4	rateA4	rateB4	rateC4	rateD4
weight5	rateA5	rateB5	rateC5	rateD5
weight6	rateA6	rateB6	rateC6	rateD6

As specifically stated in Kulik, "Every weight X will have a corresponding rate XY for every class." (Col. 7, lines 45-46). Thus, each of the classes A, B, C, and D are suitable for all weights from weight1 through weight6.

Note first that in Kulik, the operator does not select a class of service for processing the mail pieces, but instead selects a rate table. The Office Action contends that Col. 4, lines 58-59 of Kulik disclose receiving a first class of service from a user for processing the mail piece. Col. 4, lines 55-60, of Kulik state, "The processor uses the template and standard rate tables to develop a custom rates rate table for processing mail in multiple classes. Once the custom rates rate table is established, an operator can select any one of the standard tables and one or more such custom rates rate tables." This clearly indicates that the operator in Kulik selects a rate

table, and not a class. As further described below, selection of a rate table is not the same as selecting a class. The Office Action further contends that Col. 8, lines 38-44 of Kulik disclose determining whether the first class of service is appropriate for the mail piece using the determined weight and determined at least one dimension, and if said first class of service is not appropriate, determining a second class of service for said mail piece using the determined weight and the determined at least one dimension. Col. 8, lines 38-50 of Kulik, which are referring to Table 3 reproduced above, state, "For any mail piece of a weight below weight1, e.g., below 1 ounce, the custom rates rate table specifies class A and a postage value A1 for class A type mail, that is $0.32 from the earlier example. For any piece of mail of a weight between weight1 and weight2, e.g., between 1 and 2 ounces, the custom rates rate table specifies class A and a second postage value A2 for class A type mail. For any piece of mail of a weight between weight2 and weight3, e.g., between 2 and 3 ounces, the custom rates rate table specifies class B and a postage value B3 for class B type mail. For any piece of mail of a weight between weight3 and weight4, the custom rates rate table specifies class B and a postage value B4 for class B type mail." This clearly shows that the processing in Kulik is based solely on the weight of the mail piece, and not on a class selection received from the user. The rating done in Kulik is not based in any manner on a class selected by the user, but instead only on the weight of the mail piece in conjunction with the rate specified by the rate table for that weight.

Even if, for argument's sake, it is assumed that the operator in Kulik can select a class, the system in Kulik will still not operate in the same manner as the present invention. For example, if the operator selects Class A and a custom rate table in Kulik, such as illustrated above in Table 3, then the class in which a mail piece will be processed is still based solely on the weight of the mail piece as provided for in the custom rate table, and not on the preferred class (e.g., Class A) as input by the operator. If, for example using Table 3 above, the weight of a mail piece is Weight3, it will be processed at Class B rate, even though the operator selected Class A, which as shown above with respect to Table 1 of Kulik, is an appropriate class for processing mail with Weight3.

If the operator in Kulik selects a standard rate table that includes the weights for only a single class, the system in Kulik will always use the class for the selected standard rate table even if the class from the standard rate table selected is unsuitable for the mail piece because of an oversize dimension. Thus, even if, for arguments sake, the selection of a standard rate table was considered to be equivalent to selection of a class, the system in Krulik will always use that rate table (and hence that class) regardless if the class is not appropriate for the mail piece based on a dimension of the mail piece.

The system in Kulik does not receive a first class of service from a user for processing the mail piece, instead the user must select a rate table. The system in Kulik also does not determine whether the first class of service received from the user is appropriate for the mail piece using a determined weight and a determined dimension. Instead, if a custom rate table is selected, it will automatically apply the class specified for the weight of the mail piece without any regard to a class selected by the user. If a standard rate table is selected, it will always apply the class from the standard rate table without determining if that class is appropriate based on the weight and at least one dimension. The system in Kulik also will not determine a second class of service for the mail piece using the determined weight and the determined at least one dimension if the first class of service is not appropriate. Instead, as noted above, if a custom rate table is selected, it automatically applies the class specified for the weight of the mail piece without regard to a class selected by the user, so there is no determination of whether or not the class selected by the user is appropriate and if not, determining a second class for the mail piece. A custom rate table makes only a single determination. If a standard rate table is selected, the system in Kulik will never determine a second class; it can only utilize the single class provided in the standard rate table.

The reference to Ramsden does not cure the above deficiencies, as there is no disclosure, teaching or suggestion in Ramsden of receiving a first class of service from a user for processing the mail piece, determining whether the first class of service received from the user is appropriate for the mail piece using a determined weight and a determined dimension, and determining a

second class of service for the mail piece using the determined weight and the determined at least one dimension if the first class of service is not appropriate.

For at least the above reasons, applicant respectfully submits that claim 11 is allowable over the prior art of record. Claims 12-20, dependent upon claim 11, are allowable along with claim 11 and on their own merits.

In view of the foregoing amendments and remarks, it is respectfully submitted that the pending claims are in a condition for allowance and favorable action thereon is requested.

Respectfully submitted,

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